

REMARKS

In view of the above amendments and the following remarks, reconsideration and withdrawal of the objections and rejections set forth in the Office Action of May 3, 2005 are earnestly solicited.

Claims 1—4, 8—9, 13 and 17—18 have been amended to clarify Applicants' invention. These amendments are not believed to narrow the scope of the amended claims. Claims 1—21 remain pending in the application.

The objections to the disclosure and to the claims are believed mooted by the amendments to the specification and claims set forth above. Withdrawal of these objections is respectfully requested.

Claims 1—21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection is respectfully traversed. "Similar" has been replaced by --existing-- in the claim amendments, thereby mooting this rejection.

Claims 1—21 stand rejected under 35 U.S.C. § 101 as being directed to non—statutory subject matter. The rejection is respectfully traversed.

The "useful, concrete and tangible result" of the invention as originally claimed is believed to be the performance of failure mode and effects analysis of an intended process. Without conceding the correctness of the Examiner's remarks, independent Claims 1 and 13 have been amended to clarify the implied purpose of performing FEMA—i.e., "taking preventive action to prevent occurrence of potential failures....". Withdrawal of this rejection is respectfully requested.

Claims 1—21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0225475 to Johnson et al. in view of U.S.

Patent No. 6,643,592 to Loman et al. the rejection is respectfully traversed.

The Examiner concedes that Johnson et al. does not teach use of an existing process for data gathering in conjunction with the analyses and preventive correction of an "intended," or new, process as called for in independent Claims 1 and 13. Loman et al. adds nothing to Johnson's deficiency. Loman et al. does not teach use of an "existing" process in conjunction with a new or "intended" process. Indeed, Loman et al. is not even concerned with analysis of a "process," but rather to a method for diagnosing a fault, where a field engineer has failed to diagnose the problem. The affected machine is returned to a repair center along with the analyses attempted by the field engineer at the remote site. Hence, to the extent any process is being analyzed at the two sites, it is the same process, not intended and existing processes. Furthermore, potential failures are not at issue with Loman et al.—only existing failures.

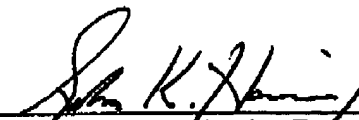
Claims 1 and 13 and their respective dependent claims are therefore believed patentably distinguishable over Johnson, et al. and Loman et al., taken alone or in combination.

By arguing, the distinction over Johnson et al., Applicants are not waiving their right to swear behind this reference in the future, if necessary.

Claims 1—4, 8—9, 13 and 17—18, as amended herein, and Claims 5—7, 10—12, 14—16, and 19—21, as originally submitted, are believed to be in condition for allowance, early acknowledgment of which is requested.

Respectfully submitted,

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